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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,428	03/15/2004	Harry Clendenin	0315-000539	8959
27572	7590	08/18/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			TRIEU, THERESA	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			3748	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/800,428

Applicant(s)

CLENDENIN ET AL.

Examiner

Theresa Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) 4,7,10,13,16,19,22,25,28,31,34, 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,20,21,23,24,29,30,32,33 and 35 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6,8,9,11,12,14,15,17,18,26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on March 15, 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>June 2, 2004</u>  | 6) <input type="checkbox"/> Other: _____                                    |

Continuation of Disposition of Claims: Claims pending in the application are 1-3,5,6,8,9,11,12,14,15,17,18,20,21,23,24,26,27,29,30,32,33 and 35.

### **DETAILED ACTION**

This Office Action is responsive to the applicants' election filed on June 28, 2005.

#### ***Election/Restrictions***

1. Applicants' election without traverse of Figs. 1-11, claims 1, 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33 and 35 being readable thereon, in the reply filed on June 28, 2005 is acknowledged.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "first clearance, second clearance" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted

Art Unit: 3748

by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: *“a first clearance adjacent the first side of the flange and a second clearance adjacent the second side of the flange, the second clearance being greater than the first clearance” recited in claim 1.*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. ***Claims 1, 20, 21, 23, 24, 29, 30, 32, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Fukui (Patent Number 5,505,595) or Bass et al. (Bass) Suzuki (Patent Number 6,086,335).***

Regarding claim 1, Fukui (as shown in Fig. 1) or Bass (as shown in Fig. 36, 39, 40 and 41) discloses a scroll machine comprising:

a first scroll member (330 in Fukui; 702 in Bass) having a first spiral wrap (332 in Fukui; not numbered; however, clearly seen in Fig. 36 in Bass) extending from a first end plate (331 in Fukui; not numbered; however, clearly seen in Fig. 36 in Bass),

a second scroll member (340 in Fukui; 704 in Bass) having a second spiral wrap (342 in Fukui; not numbered; however, clearly seen in Fig. 36 in Bass) extending from a second end plate (341 in Fukui; not numbered; however, clearly seen in Fig. 36 in Bass);

a housing (320 in Fukui; 700 in Bass) for supporting the second scroll member (340 in Fukui; 704 in Bass) for orbital movement with respect to the first scroll member, the second scroll member being positioned with respect to the first scroll member such that the first and second spiral wraps (332, 342 in Fukui; not numbered; however, clearly seen in Fig. 36 in Bass) intermesh with one another so that orbiting of the second scroll member with respect to the first scroll member will cause the wraps to define moving fluid chambers.

a flange (not numbered; however, clearly seen in Fig. 1 in Fukui and Fig. 36 in Bass) extending from the first scroll member (330 in Fukui; 702 in Bass), the flange defining a mounting bore (333a in Fukui; 720 in Bass) extending through the flange between a first side of the flange and a second side of the flange, and

an axially compliant mounting structure (319 in Fukui; 714 in Bass) extending through the bore to secure the first scroll member (330 in Fukui; 702 in Bass) to the housing, the axial compliant mounting structure defining a first clearance adjacent the first side of the flange and a second clearance adjacent the second side of the flange, the second clearance being greater than the first clearance (see Fig. 1 in Fukui and Figs. 36, 39, 40, 41 in Bass).

Regarding claims 20, 21, 23, 24, 29, 30, 32, 33 and 35 Fukui or Bass discloses the axially compliant mounting system comprises a bolt (319 in Fukui; 714 in Bass) extending through the mounting bore; the first side of the flange being disposed away from a tip of the first spiral wrap (330 in Fukui; 702 in Bass) and the second side of the flange being disposed toward the tip; the

Art Unit: 3748

bolt (319 in Fukui) having a stepped outer surface to define the first and second clearance between the bolt and the bore; the mounting bore (702 in Bass) having a stepped inner surface to define the first and second clearance between the mounting bore and the bolt; the housing (320 in Fukui; 700 in Bass) defining a counter-bore, the bolt (319 in Fukui; 714 in Bass) extending into the counter-bore.

*Allowable Subject Matter*

5. Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, 26, 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Prior Art*

The IDS (PTO-1449) filed on June 2, 2004 has been considered. An initialized copy is attached hereto.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents: Abe et al. (U.S. Patent Number 6,261,072), Sun et al. (U.S. Patent Number 6,554,592), Chiyotani (Publication Number JP 62-225793), and Tai (Publication Number JP 09-032752), each further discloses a state of the art.

*Communication*

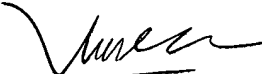
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

Art Unit: 3748

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
August 9, 2005

  
Theresa Trieu  
Primary Examiner  
Art Unit 3748